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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,065	10/03/2005	Philipp Janser	PC/432447A	8550
75074	7590	01/16/2009	EXAMINER	
NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC. 400 TECHNOLOGY SQUARE CAMBRIDGE, MA 02139			ANDERSON, REBECCA L	
ART UNIT		PAPER NUMBER		
		1626		
MAIL DATE		DELIVERY MODE		
01/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10511065	10/3/05	JANSER ET AL.	PC/432447A

EXAMINER

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.  
400 TECHNOLOGY SQUARE  
CAMBRIDGE, MA 02139

REBECCA L. ANDERSON

ART UNIT	PAPER
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1626 20090114

DATE MAILED:

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**Commissioner for Patents**

The reply filed on 17 November 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Specifically, applicants' elected species of 3R)-benzyloxymethyl-2(S)-(4-methoxy-phenyl)-pent-4-enoic acid is not within the elected group I, claims 1-4 and 7. For example, see where Group I, claims 1-4 and 7 are to the compound of the formula I which must contain a nitrogen containing heterocycle. The elected species does not fall within the formula I of group I. Applicant is required to elect a species within Group I, claims 1-4 and 7 within formula I. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

**The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rebecca L Anderson/  
Primary Examiner, Art Unit 1626